

TIMBER PRODUCTS COMPANY,

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AGBCA No. 2005-140-1

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Appellant

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Representing the Appellant:

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DECISION OF THE BOARD OF CONTRACT APPEALS

July 6, 2005

BEFORE POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 055987, Ash Creek Sink Salvage Timber Sale, between Timber Products Company of Yreka, California, and the U. S. Department of Agriculture, Forest Service (FS), Shasta-Trinity National Forest, Redding, California. Appellant submitted an adjusted claim for \$43,690.35, which Appellant claimed was incurred as a result of FS burning decked cull logs that the Appellant had intended to remove and sell. The Contracting Officer, in a final decision dated January 14, 2005, partially allowed the claim in the amount of \$6,428.40. By letter of March 28, 2005, Appellant filed a timely appeal as to the denial of the remaining portion of the claim. The Board docketed the appeal.

By letter of May 31, 2005, Appellant wrote to the Board and advised the Board that Appellant had resolved the appeal informally with the FS and requested that the Board dismiss the appeal with prejudice. The letter stated that the FS had no objection.

The Board has jurisdiction to decide the appeals pursuant to the Contract Disputes Act of 1978, (CDA), 41 U.S.C. §§ 601-613, as amended.

DECISION

Pursuant to the letter from the Appellant, the appeal is dismissed with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

JOSEPH A. VERGILIO
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
July 6, 2005